

Wade v. Werner

Michael Andresen

<p style="text-align: right;">Page 1</p> <p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO EASTERN DIVISION</p> <p style="text-align: center;">---</p> <p>Malcolm Wade, et al., : : Plaintiffs, : : Case No. vs. : : 10-cv-00270-EAS-MRA Werner Enterprises, Inc., : : Defendant. : ---</p> <p style="text-align: center;">TELEPHONIC DEPOSITION OF MICHAEL KEVIN ANDRESEN</p> <p style="text-align: center;">Taken at Stein Chapin 580 South High Street, Suite 330 Columbus, Ohio 43215 Thursday, August 29, 2013 11:07 a.m.</p> <p style="text-align: center;">---</p> <p style="text-align: center;">Taken by: Laurel A. Aurigema, RPR</p>	<p style="text-align: right;">Page 3</p> <p>1 August 29, 2013 2 11:07 a.m. 3 Thursday Morning Session 4 --- 5 STIPULATIONS 6 It is stipulated by and between counsel 7 for the respective parties that the deposition of 8 MICHAEL KEVIN ANDRESEN, a Witness herein, called by 9 the Plaintiffs for cross-examination under the 10 applicable rules of civil procedure, may be taken at 11 this time by the notary by agreement of counsel and 12 without notice or other legal formality; that said 13 deposition may be reduced to writing in stenotypy by 14 the notary, whose notes may thereafter be 15 transcribed out of the presence of the witness; that 16 proof of the official character and qualification of 17 the notary is waived. 18 --- 19 20 21 22 23 24</p>
<p style="text-align: right;">Page 2</p> <p>1 A P P E A R A N C E S 2 3 APPEARING ON BEHALF OF THE PLAINTIFFS: 4 Beth J. Nacht, Esq. 5 Stein Chapin 6 580 South High Street, Suite 330 7 Columbus, Ohio 43215 8 9 APPEARING ON BEHALF OF THE DEFENDANT: 10 Robert J. Hingula, Esq. 11 Polsinelli 12 700 West 47th Street 13 Kansas City, Missouri 64112 14 15 16 17 18 19 20 21 22 23 24</p> <p style="text-align: center;">---</p>	<p style="text-align: right;">Page 4</p> <p>1 MICHAEL KEVIN ANDRESEN, 2 being first duly sworn, as hereinafter certified, 3 testifies and says as follows: 4 --- 5 CROSS-EXAMINATION 6 BY MS. NACHT: 7 Q Good morning. My name is Beth Nacht. I 8 am the attorney for the Plaintiffs in this case, 9 which is Wade versus Werner. Thank you for being 10 here this morning. 11 Can you please state your full name and 12 spell it for the record. 13 A Michael Kevin Andresen, A-N-D-R-E-S-E-N. 14 Q And, Mr. Andresen, would you please 15 provide your address. 16 A 16013 Larimore Avenue, Omaha, Nebraska 17 68116. 18 Q Mr. Andresen, have you ever had your 19 deposition taken before? 20 A I have not. 21 Q Okay. Before we get started, I'm just 22 going to establish some ground rules so that way we 23 can make this go as smoothly as possible and make it 24 as easy for the court reporter to take down.</p>

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<p style="text-align: right;">Page 5</p> <p>1 I'm first going to ask that we don't talk 2 over each other. If you can wait to respond till 3 I've finished asking my question, and I will offer 4 you the same courtesy. If you're answering a 5 question, I will try my best to refrain from asking 6 the next question until you're done. 7 If you can also provide verbal responses 8 rather than uh-huhs or huh-uhs or gestures, 9 obviously, because we're over the phone, those won't 10 translate. 11 If you need me to repeat a question, 12 please ask me to do so. If you didn't hear me or if 13 you don't understand it, I'd rather you ask me to 14 repeat it than guess. 15 And then if at any point you need a break, 16 that's fine. I just would ask that you answer the 17 question that's been put out there; and then if you 18 need a quick break, we can definitely do that. 19 Mr. Andresen, did you prepare today for 20 this deposition with anyone other than your 21 attorney? 22 A No. 23 Q Did you review any documents in 24 preparation for your deposition this morning?</p>	<p style="text-align: right;">Page 7</p> <p>1 Q Okay. Can you tell me, what is your 2 position at Werner? 3 A Director of operations. 4 Q Okay. And when did you start at Werner? 5 A October 24, 1989. 6 Q And when you started, what was your 7 position? 8 A Fleet manager. 9 Q Okay. And then after fleet manager, can 10 you just tell me how you progressed to your current 11 position. 12 A Fleet manager to fleet supervisor to 13 operations manager and dedicated to director of 14 after hours to my current position. 15 Q Okay. And how long were you a fleet 16 manager? 17 A Roughly two years. 18 Q So from 1989 to approximately 1991? 19 A Somewhere close to that, yes. 20 Q Okay. And how long were you a fleet 21 supervisor? 22 A Roughly ten years. 23 Q And what location were you -- where were 24 you employed as a fleet supervisor?</p>
<p style="text-align: right;">Page 6</p> <p>1 A About 20 minutes ago just roughly looked 2 over some job descriptions that literally took me 3 about 60 seconds. 4 Q Okay. Any other documents that you've 5 looked at besides those job descriptions? 6 A No. 7 Q Okay. You're being deposed today as part 8 of a lawsuit which is captioned Wade versus Werner 9 Enterprises. Are you familiar with this litigation 10 at all? 11 A A little bit, not much. 12 Q Okay. Can you tell me what you do know. 13 A I -- what do I know? I believe it has 14 something to do with exempt and nonexempt decisions 15 being made, but I'm not positive. 16 Q Okay. You were named as -- you were named 17 by Werner's counsel as someone who has knowledge 18 about the responsibilities and duties performed by 19 fleet coordinators and fleet managers. Would that 20 correctly describe your knowledge? 21 A Yes. 22 Q Okay. And do you know any of the 23 Plaintiffs involved in this lawsuit? 24 A No.</p>	<p style="text-align: right;">Page 8</p> <p>1 A Omaha. 2 Q Okay. Have all your positions been in 3 Omaha? 4 A Yes. 5 Q Okay. And after you were a fleet 6 supervisor, I believe you said you were an 7 operations manager dedicated? 8 A Yes. 9 Q Okay. And how long were you an operations 10 manager dedicated? 11 A Three years. 12 Q And then your next position as a director 13 of after hours, how long were you employed in that 14 position? 15 A Three years. 16 Q Okay. And when did you begin your current 17 position? 18 A Roughly five years ago. 19 Q Okay. And can you tell me -- describe 20 your current position as director of operations and 21 off-hour services. 22 A Basically, I oversee the supervisors that 23 oversee the fleet managers that have the overall 24 management of the driver.</p>

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<p style="text-align: right;">Page 9</p> <p>1 Q So you oversee the supervisors that</p> <p>2 oversee the fleet managers; is that correct?</p> <p>3 A Correct.</p> <p>4 Q Okay. And who are the -- what is the</p> <p>5 title of those individuals that oversee the fleet</p> <p>6 managers?</p> <p>7 A Fleet supervisors and off-hours operations</p> <p>8 manager.</p> <p>9 Q And what's the difference between a fleet</p> <p>10 supervisor and an off-hours operation manager?</p> <p>11 A Fleet supervisor handles the fleet</p> <p>12 managers. They roughly manage anywhere from eight</p> <p>13 to ten of them, and then the off-hours operations</p> <p>14 manager handles all of the fleet coordinators in the</p> <p>15 off hours for the nondedicated.</p> <p>16 Q Okay. And the fleet supervisors, the</p> <p>17 fleet managers that they oversee, are they also</p> <p>18 nondedicated?</p> <p>19 A Correct.</p> <p>20 Q Okay. So your position, would it be fair</p> <p>21 to say that your position is in a department or</p> <p>22 division that is not dedicated?</p> <p>23 A Correct.</p> <p>24 Q Okay. Thank you.</p>	<p style="text-align: right;">Page 11</p> <p>1 Q What is a dedicated manager?</p> <p>2 A Dedicated manager is a manager that</p> <p>3 handles the driver function as well as the relations</p> <p>4 with the customer.</p> <p>5 Q Okay. And do they oversee anybody?</p> <p>6 A Yes, they do -- some do; some don't.</p> <p>7 Q Okay. And if they do oversee somebody,</p> <p>8 who would that be?</p> <p>9 A Every dedicated site is different. You've</p> <p>10 got dedicated sites with fleet managers, with load</p> <p>11 planners, you've not dedicated sites with just a</p> <p>12 dedicated manager only. It's depending on the size</p> <p>13 of the account.</p> <p>14 Q And these obviously would be on dedicated</p> <p>15 accounts only?</p> <p>16 A Yes.</p> <p>17 Q Is a dedicated manager similar to a fleet</p> <p>18 supervisor and an off-hours operations manager on</p> <p>19 the nondedicated side?</p> <p>20 A They're a little bit different due to the</p> <p>21 fact they actually have the relationship with the</p> <p>22 customer, wherein the fleet manager or fleet</p> <p>23 supervisor, off-hours operations manager, they don't</p> <p>24 have a direct tie with a customer.</p>
<p style="text-align: right;">Page 10</p> <p>1 Can you explain a little bit about your</p> <p>2 day-to-day responsibilities?</p> <p>3 A Well, it's basically directing my fleet</p> <p>4 supervisors on daily tasks; things that need to be</p> <p>5 done, processes, policies; making sure they're</p> <p>6 getting their critical success factors completed.</p> <p>7 Q Okay. Do you report to anyone?</p> <p>8 A Yes.</p> <p>9 Q And who is that?</p> <p>10 A Guy Welton.</p> <p>11 Q And what is his job title?</p> <p>12 A Vice president of operations.</p> <p>13 Q Is he the only person that you report to?</p> <p>14 A Yes.</p> <p>15 Q Okay. How many direct reports do you</p> <p>16 have?</p> <p>17 A Three.</p> <p>18 Q And those are the fleet -- how many fleet</p> <p>19 supervisors?</p> <p>20 A Two.</p> <p>21 Q And then one off-hours manager?</p> <p>22 A Yes.</p> <p>23 Q Do you know what a dedicated manager is?</p> <p>24 A Yes.</p>	<p style="text-align: right;">Page 12</p> <p>1 Q Okay. And would a dedicated manager who</p> <p>2 has direct reports, would they be overseeing fleet</p> <p>3 coordinators?</p> <p>4 A They could.</p> <p>5 Q And what about fleet managers?</p> <p>6 A They could.</p> <p>7 Q Okay. And like you said, that just</p> <p>8 depends on the size of the account?</p> <p>9 A Right. They're all unique.</p> <p>10 Q Okay. When you were a fleet manager in</p> <p>11 '89 to '91, can you tell me a little bit about your</p> <p>12 responsibilities and duties as a fleet manager?</p> <p>13 A I basically had to run a board of 50 to 60</p> <p>14 drivers; and I was responsible for the day-to-day</p> <p>15 activities and events of that driver involving</p> <p>16 getting them home on time, keeping them productive,</p> <p>17 making sure they're staying safe, et cetera, just</p> <p>18 the day-to-day activity of the driver.</p> <p>19 Q Okay.</p> <p>20 A I was the owner of that driver -- I'm</p> <p>21 sorry.</p> <p>22 Q Go ahead. I'm sorry. You can finish.</p> <p>23 A I was the direct report for those drivers.</p> <p>24 I was responsible for them.</p>

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<p style="text-align: right;">Page 13</p> <p>1 Q And did you report to anybody?</p> <p>2 A Yes.</p> <p>3 Q Who did you report to?</p> <p>4 A I don't recall honestly.</p> <p>5 Q Okay. Do you know what -- what the</p> <p>6 position was? If it's not -- if you don't have the</p> <p>7 name, that's fine; but do you know who -- what the</p> <p>8 role was?</p> <p>9 A Fleet supervisor.</p> <p>10 Q And when you were a fleet manager, was</p> <p>11 that on a dedicated account or on a nondedicated</p> <p>12 account?</p> <p>13 A Nondedicated.</p> <p>14 Q As a fleet manager, did you have authority</p> <p>15 to make hiring or firing decisions?</p> <p>16 A I had the authority to make a</p> <p>17 recommendation.</p> <p>18 Q Did you create driver schedules?</p> <p>19 A Could you be more specific?</p> <p>20 Q Sure. Did you have any involvement in</p> <p>21 scheduling of drivers?</p> <p>22 A Scheduling what? I'm not following you.</p> <p>23 Q Sure. If they had a load to deliver or</p> <p>24 pick -- or pick up, did you have any involvement in</p>	<p style="text-align: right;">Page 15</p> <p>1 A Train them on, you know, how to be safe;</p> <p>2 train them on when they need to come out of the</p> <p>3 house; train them on when the best time it is for</p> <p>4 them to go home; if they had logging issues, we</p> <p>5 would walk through logging issues; things like that.</p> <p>6 Q Now, would you do that as a formal -- did</p> <p>7 you have formal training sessions, or is that just</p> <p>8 some advice you would offer or counseling that you</p> <p>9 would offer in your interaction with the drivers?</p> <p>10 A Both.</p> <p>11 Q Would you track their hours for department</p> <p>12 of transportation regulations?</p> <p>13 A Yes.</p> <p>14 Q And how would you track their hours?</p> <p>15 A We have a logging system in our computer.</p> <p>16 It shows exactly how many hours they have available,</p> <p>17 how many hours they've used for the week, et cetera.</p> <p>18 Q Okay. When you were a fleet supervisor</p> <p>19 after you were a fleet manager, did you then go on</p> <p>20 to supervise fleet managers?</p> <p>21 A Yes.</p> <p>22 Q Okay. And how did your role as a fleet</p> <p>23 supervisor differ from that of a fleet manager?</p> <p>24 A Just a higher level position, attended</p>
<p style="text-align: right;">Page 14</p> <p>1 deciding where they went or what their specific</p> <p>2 purpose was for a given day?</p> <p>3 A Yes.</p> <p>4 Q And what was that role?</p> <p>5 A Well, if a driver had a need to get home</p> <p>6 to get to a terminal, had a special occasion he</p> <p>7 needed to get to, I was responsible to make sure</p> <p>8 that that happened.</p> <p>9 Q Okay. And what would you do to make sure</p> <p>10 that happened?</p> <p>11 A I would talk to the load planner and tell</p> <p>12 them this is what this driver is needing.</p> <p>13 Q And then would it be the load planner who</p> <p>14 would make the adjustments to the schedule or the</p> <p>15 load to make that happen?</p> <p>16 A The load planner would make the load</p> <p>17 assignment, and I was the final buyoff on whether or</p> <p>18 not that load would work for the driver. So I would</p> <p>19 either accept it or reject it and ask for another</p> <p>20 load.</p> <p>21 Q Okay. Did you train drivers?</p> <p>22 A Absolutely.</p> <p>23 Q And what kind of training did you give to</p> <p>24 drivers?</p>	<p style="text-align: right;">Page 16</p> <p>1 meetings with higher-ups on decision-making, you're</p> <p>2 relating to the driver; and then I oversaw the fleet</p> <p>3 managers, making sure they were doing what they were</p> <p>4 supposed to be doing.</p> <p>5 Q As a fleet supervisor, did you have any</p> <p>6 oversight of the drivers?</p> <p>7 A When you say oversight, what do you mean?</p> <p>8 Q Did you have any decision-making authority</p> <p>9 or discretion over any issues involving the drivers?</p> <p>10 A Yes.</p> <p>11 Q And what was that?</p> <p>12 A It could be discipline issues; it could be</p> <p>13 riding drivers to a terminal; it could be somebody</p> <p>14 had an accident, route them in, talk to them, find</p> <p>15 out what's going on. If we're having drivers with</p> <p>16 production issues, why they're being low-production</p> <p>17 drivers. If they have high-idle events, why they're</p> <p>18 idling so much.</p> <p>19 Q Were those types of things that fleet</p> <p>20 managers were not able to handle?</p> <p>21 A No. They would be able to handle those.</p> <p>22 Q So in what types of situations would you</p> <p>23 get involved to handle those?</p> <p>24 A If I see something that wasn't getting</p>

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<p style="text-align: right;">Page 17</p> <p>1 done, I would question the fleet manager on it to 2 find out why this driver wasn't written up for his 3 low production last month, for his high idle last 4 month, for his low production, why a driver has been 5 at home for six days when he's due out two days ago, 6 things like that. 7 Q Okay. And then as an operations manager 8 dedicated, was that -- was that a promotion from a 9 fleet supervisor, or is that a lateral move? 10 A That was a promotion. 11 Q Okay. And how did that position differ 12 from your previous position as a fleet supervisor? 13 A I had roughly four or five accounts that 14 were not associated with Omaha; and I had 15 supervisors, dedicated managers, fleet managers at 16 these locations, job locations, performing their 17 responsibilities. 18 Q As an operations manager dedicated, did 19 you oversee dedicated managers? 20 A Yes. 21 Q Okay. And would that have been for day 22 and night shifts? 23 A Yes. 24 Q Okay. And then the director of after</p>	<p style="text-align: right;">Page 19</p> <p>1 coordinators? 2 A Most of my interaction is with their 3 supervisors; but I do have interaction, yes. 4 Q And who -- and it is just at -- in Omaha; 5 is that correct? 6 A Correct. 7 Q And these are -- this would be on -- 8 involving nondedicated accounts; is that correct? 9 A Correct. 10 Q Okay. 11 A Yes. 12 Q Do you maintain an office in the same area 13 with these fleet managers and fleet coordinators? 14 A Yes. 15 Q And the supervisors for these fleet 16 managers and fleet coordinators, what are those 17 positions called? 18 A Fleet supervisor and off-hour operations 19 manager. 20 Q Do fleet managers and fleet coordinators, 21 do they have the same roles, the same job duties? 22 A For the most part, yes. 23 Q Is there any main difference between the 24 two of them?</p>
<p style="text-align: right;">Page 18</p> <p>1 hours, how did that differ from the previous 2 position as operations manager dedicated? 3 A Wasn't involved with the customer. It was 4 strictly working with the fleet coordinators in the 5 off hours. 6 Q Okay. In your role as -- in your current 7 position, do you have any involvement with fleet 8 coordinators and fleet managers? 9 A Yes. 10 Q And can you describe that involvement? 11 A It's just making sure they're doing their 12 day-to-day functions and things they're supposed to 13 be doing, managing the driver. 14 Q Do you work on-site with fleet managers 15 and fleet coordinators? 16 A Yes. 17 Q And which location, in Omaha? 18 A Yes. 19 Q And how many fleet managers or fleet 20 coordinators do you currently work with? 21 A Fleet managers, roughly 18; and fleet 22 coordinators, 38 to 40. 23 Q And do you have daily interaction with 24 these 18 fleet managers and 38 to 40 fleet</p>	<p style="text-align: right;">Page 20</p> <p>1 A The main difference is the fleet manager 2 is the actual supervisor of the driver, so the 3 driver has to report to the fleet manager. The 4 fleet coordinators, they cover multiple drivers in 5 the off hours. They are making somewhat of the same 6 decisions, but there are some such as writing a 7 driver up, that would be left for the fleet manager, 8 not the fleet coordinator, because we want that to 9 be from the direct report. That's the biggest 10 difference. 11 Q Okay. What is -- do you know the average 12 hours worked for fleet managers or the average 13 schedule? 14 A Yes. 15 Q And what is that? 16 A It's Monday through Friday ten-hour shift 17 with an hour lunch and then every fifth Saturday for 18 ten hours. 19 Q And what about fleet coordinators, what 20 does their schedule look like? 21 A Seven on, seven off Tuesday through 22 Monday. 5:00 at night to 5:00 a.m. with an hour 23 lunch. 24 Q And this is just specific to those fleet</p>

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<p>1 managers and fleet coordinators in Omaha on</p> <p>2 nondedicated accounts, correct?</p> <p>3 A Yes.</p> <p>4 Q And do you know --</p> <p>5 A Maybe some --</p> <p>6 Q I'm sorry. Go ahead.</p> <p>7 A There may be some dedicated that have</p> <p>8 that, but I'm not aware. I don't know.</p> <p>9 Q And do you know how these fleet managers</p> <p>10 and fleet coordinators are paid?</p> <p>11 A Yes.</p> <p>12 Q And how are they paid?</p> <p>13 A Like -- are you talking time frame or --</p> <p>14 Q Well, is it salary basis, hourly?</p> <p>15 A They're all salary.</p> <p>16 Q Do you know if there was ever a time since</p> <p>17 your experience at Werner that they were paid</p> <p>18 hourly, fleet managers and/or fleet coordinators?</p> <p>19 A No.</p> <p>20 Q You don't know or there has never been a</p> <p>21 time that they were paid hourly?</p> <p>22 A Don't know. I would say that they've</p> <p>23 always been salary.</p> <p>24 Q Okay. And who sets their schedules?</p>	<p>1 the safety department?</p> <p>2 A No.</p> <p>3 Q Do you know some of the job titles of</p> <p>4 employees in the safety department?</p> <p>5 A Yes.</p> <p>6 Q And can you tell me what those job titles</p> <p>7 would be?</p> <p>8 A I don't know all of them. There's log</p> <p>9 supervisors. There's director of safety, vice</p> <p>10 president of safety.</p> <p>11 Q Anything else that you can think of?</p> <p>12 A No.</p> <p>13 Q Are fleet coordinators or fleet managers</p> <p>14 part of the safety department?</p> <p>15 A They play a role in the safety. They're</p> <p>16 not part of the safety department.</p> <p>17 Q What is a dedicated account versus a</p> <p>18 nondedicated account? And I apologize. I don't</p> <p>19 know if that's the right terminology as nondedicated</p> <p>20 account; but when I say nondedicated I'm just</p> <p>21 meaning an account that is obviously not dedicated.</p> <p>22 A Can you tell me what you mean by account.</p> <p>23 Q Well, I guess maybe division is the proper</p> <p>24 term. I'm not sure, and I guess if you can maybe</p>
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<p>1 A My boss, myself.</p> <p>2 Q So you set the schedules for the fleet</p> <p>3 managers and fleet coordinators?</p> <p>4 A My boss and myself.</p> <p>5 Q Who's responsible for safety issues?</p> <p>6 MR. HINGULA: Objection to the form of the</p> <p>7 question. It's vague.</p> <p>8 You can answer if you're able to.</p> <p>9 A Everybody.</p> <p>10 Q Do you have a safety department?</p> <p>11 A Yes.</p> <p>12 Q And what does the safety department do?</p> <p>13 A Safety department, they will train</p> <p>14 drivers. They provide orientation to drivers, train</p> <p>15 them on the Qualcomm; put them through Smith</p> <p>16 training, which is basically training them how to</p> <p>17 drive, how to back, et cetera. We have drivers with</p> <p>18 multiple accidents, the fleet manager will route</p> <p>19 them in and safety will determine whether or not</p> <p>20 they're capable of driving.</p> <p>21 Q Where is the safety department located?</p> <p>22 A On the same campus as our operations</p> <p>23 building in Omaha.</p> <p>24 Q Okay. Do you know how many people work in</p>	<p>1 explain to me in general what is the difference</p> <p>2 between something that's dedicated and not</p> <p>3 dedicated. If there's a fleet manager working, you</p> <p>4 know, in Omaha doing nondedicated work versus</p> <p>5 dedicated work, what is the difference?</p> <p>6 A Nondedicated is more random-type freight</p> <p>7 where we're running the 48 states with customers</p> <p>8 that give us a load. Dedicated is more account</p> <p>9 specific. So dedicated would be a group of trucks</p> <p>10 we allocate to one certain account, and they just</p> <p>11 run the loads for that account.</p> <p>12 Q Would all nondedicated employees, would</p> <p>13 they be employed at the main campus in Omaha?</p> <p>14 A Most. We have a few in Denver.</p> <p>15 Q And then are there any dedicated positions</p> <p>16 in Omaha at the main campus?</p> <p>17 A Yes.</p> <p>18 Q Do you know about how many?</p> <p>19 A No.</p> <p>20 Q Do you have a training department?</p> <p>21 A Training for who?</p> <p>22 Q For any positions within Werner.</p> <p>23 A Yes.</p> <p>24 Q And would that just be one training</p>

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<p style="text-align: right;">Page 25</p> <p>1 department, or does it depend upon the different 2 positions? 3 A I suppose it depends on the different 4 positions. 5 Q Okay. Would -- is there a training 6 department for truck drivers? 7 A Well, when they're hired, they go through 8 training, yes. 9 Q Okay. Is that through safety, or is it a 10 different department that does the training when 11 they're hired? 12 A That's through safety. 13 Q Okay. And what about fleet coordinators 14 and fleet managers, what type of -- 15 A There's a trainer. 16 Q There's a trainer for coordinators and 17 managers? 18 A Yes. 19 Q And how are new employees trained when 20 they're brought in as fleet coordinators or fleet 21 managers? 22 A They go through eight weeks of training. 23 They go through six weeks training on days and two 24 weeks -- two weeks on nights.</p>	<p style="text-align: right;">Page 27</p> <p>1 meetings done. They get a report showing who has 2 completed them and who has not. 3 Q Who does the report come from? 4 A It's an operations report. 5 Q So they get the operations report and then 6 contact the driver to let them know if their name is 7 or is not on the report? 8 A Yeah. You've got ten days to complete 9 your safety meeting, et cetera. 10 Q Okay. And what happens if they don't 11 complete their safety meeting within the ten days? 12 A Then we make sure that it gets completed. 13 The fleet manager has the ability to shut that 14 driver down until he completes the safety meeting. 15 Q Does the fleet manager report that to 16 anybody? 17 A Well, the fleet supervisor has visual to 18 it as well as the director. 19 Q Okay. Who's responsible for making sure 20 that drivers have adequate DOT hours to complete an 21 assigned run? 22 A The driver. 23 Q And if they don't have -- if a driver 24 doesn't have enough hours, what's the procedure or</p>
<p style="text-align: right;">Page 26</p> <p>1 Q And that training is coordinated by a 2 trainer? 3 A Yes. 4 Q What happens -- what is the protocol or 5 procedure if a driver breaks down during a run? 6 A Driver sends in a specific macro, which is 7 basically a message that goes to the fleet manager 8 telling them that they are broke down and what the 9 issue is. 10 Q And what would a fleet manager do with 11 that message? 12 A Evaluate the message, determine whether or 13 not he wants road breakdown department to go out and 14 fix his truck. 15 Q Does he report -- he or she report that to 16 anybody else? 17 A No. 18 Q Who's responsible for making sure that 19 drivers do their regular safety training? 20 A The fleet manager. 21 Q And how does a fleet manager do that? 22 A We have monthly, quarterly safety 23 meetings; and the fleet manager is responsible to 24 make sure that every driver gets their safety</p>	<p style="text-align: right;">Page 28</p> <p>1 protocol? 2 A The fleet manager will make sure that 3 driver is shut down. 4 Q And how does the fleet manager do that? 5 A How does the fleet manager do that? 6 Q How does the fleet manager make sure that 7 a driver is shut down? 8 A The fleet manager ultimately has the 9 responsibility for everything that the driver does. 10 If the fleet manager tells the driver, you don't 11 have enough hours, you need to shut down, the driver 12 shuts down. 13 Q And how does the fleet manager know if 14 there's enough hours or not? 15 A We have an automated logging system that 16 they can see. 17 Q Who has the authority to make hiring and 18 firing decisions with respect to drivers? 19 A The director and vice president. 20 Q What about disciplinary actions? 21 A Fleet managers. 22 Q And what type of disciplinary action can a 23 fleet manager take? 24 A They can write drivers up for high idle or</p>

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<p style="text-align: right;">Page 29</p> <p>1 low production or any type of discipline event, and</p> <p>2 they can also recommend termination.</p> <p>3 Q What would be the basis for a termination</p> <p>4 recommendation?</p> <p>5 A Driver's not good, has issues for multiple</p> <p>6 reasons.</p> <p>7 Q Can you give me an example.</p> <p>8 A A driver that took his truck 400 miles out</p> <p>9 of route and went home, driver that had a customer</p> <p>10 complaint, driver that is just a low producer, does</p> <p>11 not utilize their hours, driver that goes home and</p> <p>12 disappears on us for three or four days without</p> <p>13 hearing from them.</p> <p>14 Q Are these issues that only -- that anyone</p> <p>15 besides a fleet manager would be aware of?</p> <p>16 A They could alert their fleet supervisor,</p> <p>17 and the fleet coordinator obviously would be a part</p> <p>18 of that as well.</p> <p>19 Q Okay. Does a fleet manager typically work</p> <p>20 during days?</p> <p>21 A Yes.</p> <p>22 Q And a fleet coordinator is typically</p> <p>23 during evenings?</p> <p>24 A Off hours, correct.</p>	<p style="text-align: right;">Page 31</p> <p>1 Q What is a VAS department?</p> <p>2 A Value-added services. It's a brokerage</p> <p>3 division.</p> <p>4 Q And is VAS housed in Omaha?</p> <p>5 A Yes.</p> <p>6 Q And does VAS have fleet managers and/or</p> <p>7 coordinators?</p> <p>8 A I don't know.</p> <p>9 Q Who determines if a job within Werner is</p> <p>10 classified as exempt or not?</p> <p>11 A That would be out of my hands. HR or</p> <p>12 legal, I would assume. I don't know.</p> <p>13 Q Do you have any involvement in that</p> <p>14 process of determining whether a job within your</p> <p>15 department is classified as exempt or not?</p> <p>16 A That's not my decision.</p> <p>17 Q Do you have any involvement or input?</p> <p>18 A No.</p> <p>19 Q Does Werner have any way of categorizing</p> <p>20 or designating its employees in any way to</p> <p>21 distinguish between levels of expertise or knowledge</p> <p>22 or capability, any type of general categories that</p> <p>23 they use?</p> <p>24 MR. HINGULA: I'm going to object to the</p>
<p style="text-align: right;">Page 30</p> <p>1 Q Okay. Are you familiar with the term</p> <p>2 "specialized services"?</p> <p>3 A Yes.</p> <p>4 Q And what is that?</p> <p>5 A Dedicated. This has replaced the</p> <p>6 dedicated name.</p> <p>7 Q Okay. Thank you.</p> <p>8 What about the term "SS Fleet</p> <p>9 Coordinator 1"?</p> <p>10 MR. HINGULA: Objection. I'm not sure</p> <p>11 there was a question there.</p> <p>12 Q I'm sorry. Are you familiar with the term</p> <p>13 "SS Fleet Coordinator 1," or do you know what that</p> <p>14 is?</p> <p>15 A Specialized service coordinator.</p> <p>16 Q So would that be like a dedicated fleet</p> <p>17 coordinator?</p> <p>18 A Yes.</p> <p>19 Q What -- what is a senior fleet</p> <p>20 coordinator?</p> <p>21 A That position no longer exists.</p> <p>22 Q Do you know if it existed at any point</p> <p>23 between September, 2007, and the present?</p> <p>24 A I do not.</p>	<p style="text-align: right;">Page 32</p> <p>1 question only in the fact that this witness is being</p> <p>2 called as an individual witness not a corporate rep.</p> <p>3 You can answer if you're able to.</p> <p>4 A I don't know.</p> <p>5 MS. NACHT: Okay. I think I'm just about</p> <p>6 done. I'm going to take a minute and just look over</p> <p>7 my notes, and we can probably wrap up very shortly.</p> <p>8 MR. HINGULA: Okay.</p> <p>9 THE WITNESS: Okay.</p> <p>10 (Pause in the proceedings.)</p> <p>11 Q Okay. Mr. Andresen, I have just a few</p> <p>12 follow-up questions.</p> <p>13 Can you describe for me a typical day for</p> <p>14 you in your position.</p> <p>15 A I attend a meeting every -- well, let me</p> <p>16 back up. When I come in, I sign on. I get to my</p> <p>17 e-mails on things that transpired throughout the</p> <p>18 evening. I get my daily reports that I look at. I</p> <p>19 have a meeting with my boss at 8:15. We go over</p> <p>20 current events, hot topics of the day. I then meet</p> <p>21 with my supervisors at 9:00, relay that information</p> <p>22 to them. They in turn meet with their fleet</p> <p>23 managers, relay the information to them; and then we</p> <p>24 go on throughout the day. A lot of meetings.</p>

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<p style="text-align: right;">Page 33</p> <p>1 Q After those meetings, are you mostly in 2 your office, or are you on the floor with the fleet 3 managers. 4 A It's both. 5 Q Do you have direct interaction with the 6 fleet managers or fleet coordinators? 7 A Yes. 8 Q And what type of interaction would that 9 be? 10 A Usually just out there getting my face out 11 there, talking to them, asking them how things are 12 going. You know, if we had an issue with an 13 incident, you know, the supervisor addresses it with 14 them; but I may hit them up on it as well, just 15 depending on the situation. 16 Q Okay. Do you know if any of the fleet 17 coordinators and/or fleet managers that you work 18 with, if they are involved in this lawsuit? 19 A I know of one is all. 20 Q And who is that? 21 A Mike Johnson. 22 Q Do you know of any other Plaintiffs in 23 this lawsuit, any other -- 24 A I'm sorry?</p>	<p style="text-align: right;">Page 35</p> <p>1 value-added services. They can go to fleet 2 supervisor. They could go to safety. 3 Q And a fleet supervisor, that would be a 4 supervisor of fleet managers; is that correct? 5 A Right. To go from fleet manager to a 6 fleet supervisor is a promotion. 7 Q Promotion, okay. 8 Is there anything else -- any other 9 information that you feel would be relevant to this 10 lawsuit that you -- that I haven't asked or that 11 you'd want to share today? 12 MR. HINGULA: Objection to the form of the 13 question. 14 You can answer if you're able to. 15 A No. 16 MS. NACHT: Okay. I don't have any other 17 questions. 18 MR. HINGULA: We have no questions. 19 Mr. Andresen, the court reporter soon will 20 type out your testimony and everything that we 21 talked about here in writing, and you'll have a 22 chance to review that and sign it. You can waive 23 that right; but my recommendation would be that you 24 get it, review it, and just make sure that, you</p>
<p style="text-align: right;">Page 34</p> <p>1 Q I'm sorry. Any -- do you know of any 2 other Werner employees currently employed or not who 3 have opted into this lawsuit besides Mike Johnson? 4 A I'm sorry. I misunderstood your question. 5 As far as the Plaintiff side, I know of no one. 6 Q No one? 7 A Mike Johnson. No. 8 Q Okay. That's fine. And Mike Johnson is 9 not a Plaintiff in this lawsuit; is that correct? 10 A Not to my knowledge, right. 11 Q Okay. Is there a typical path for 12 promotion for a fleet manager or a fleet 13 coordinator? 14 A Yes. A fleet coordinator works his way 15 down to a -- works his way into a fleet manager. We 16 hire them as fleet coordinators, and then they work 17 their way into a fleet manager position. 18 Q And what about a fleet manager, where 19 would a fleet manager go next? 20 A There could be several places throughout 21 the whole company. There's no set path. 22 Q Can you give me some examples. 23 A They could go to dedicated or specialized 24 services. They can go to marketing. They can go to</p>	<p style="text-align: right;">Page 36</p> <p>1 know, spellings are right and things like that. You 2 can't change your answers, but just to make sure of 3 the accuracy of your testimony. Would you prefer to 4 review and sign? 5 THE WITNESS: Yes, please. 6 MR. HINGULA: We'll take care of that. 7 --- 8 Thereupon, the testimony of August 29, 9 2013, was concluded at 12:01 p.m. 10 --- 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>

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1 AFFIDAVIT

2 STATE OF OHIO :

3 COUNTY OF _____:

4 I, MICHAEL KEVIN ANDRESEN, do hereby
 5 certify that I have read the foregoing transcript of
 6 my deposition given on August 29, 2013; that
 7 together with the errata sheet attached hereto
 8 noting changes and/or corrections, if any, it is
 9 true and correct.

10

11

12 _____
MICHAEL KEVIN ANDRESEN

13

14 I do hereby certify that the foregoing
 15 transcript of the deposition of MICHAEL KEVIN
 16 ANDRESEN was submitted for reading and signing; that
 17 after it was stated to the undersigned Notary
 18 Public, that the deponent read and signed the same
 19 in my presence on this _____ day of _____,
 20 2013.

21

22 _____
Notary Public

23 My commission expires: _____

24

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1 CERTIFICATE

2 STATE OF OHIO :

3 COUNTY OF FRANKLIN :

4 I, Laurel A. Aurigema, a Notary Public in
 5 and for the State of Ohio, do hereby certify the
 6 within named MICHAEL KEVIN ANDRESEN was by me first
 7 duly sworn to testify to the whole truth in the
 8 cause aforesaid; testimony then given was by me
 9 reduced to stenotypy in the presence of said
 10 witness, afterwards transcribed by me, the foregoing
 11 is a true and correct transcript of the testimony so
 12 given; and this deposition was taken at the time and
 13 place as specified on the title page.

14 I do further certify I am not a relative,
 15 employee or attorney of any of the parties hereto,
 16 and further I am not a relative or employee of any
 17 attorney or counsel employed by the parties hereto,
 18 or financially interested in the action.

19 In witness whereof, I have hereunto set my
 20 hand and affixed my seal of office at Columbus,
 21 Ohio, on this 11th day of September, 2013.

22

23 _____
 Laurel A. Aurigema, RPR
 Notary Public, State of Ohio

24 My commission expires February 22, 2014.